

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUSSELL J. GETTEMY,  
Plaintiff,

v.

LVNV FUNDING LLC, et al.,  
Defendants.

No. 2:23-cv-01948-DAD-CKD (PS)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
PLAINTIFF'S MOTION FOR LEAVE TO  
FILE A FIRST AMENDED COMPLAINT

(Doc. Nos. 31, 37)

Plaintiff Russell J. Gettemy filed the complaint initiating this civil action on September 11, 2023, and is proceeding in this action *pro se*. (Doc. No. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On December 27, 2023, plaintiff filed the pending motion for leave to file a first amended complaint and a proposed first amended complaint. (Doc. Nos. 31, 32.) In the proposed first amended complaint, plaintiff names three original defendants (NCB Management Services, Inc.; Omega RMS, LLC; and TransUnion, LLC), as well as four new defendants (JP Morgan Chase Bank, N.A.; US Bank, N.A.; Equifax Information Services, LLC; and Experian Information Solutions, Inc.). (Doc. No. 32 at 1.) Even though plaintiff's motion for leave to file the first amended complaint remains pending, defendants NCB Management Services, Inc. and Omega RMS, LLC, already filed their respective answers to the first amended complaint. (Doc. Nos. 34–36.)

On January 22, 2024, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's motion for leave to file the first amended complaint be granted, that the first amended complaint ("FAC") (Doc. No. 32) be deemed the operative complaint, that plaintiff be directed to serve the FAC on the newly added defendants, and that the defendants who have not already files their responses to the FAC be directed to do so. (Doc. No. 37.) Those pending findings and recommendations were served on the parties and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 3.) To date, no objections to the pending findings and recommendations have been filed, and the time in which to do so has now passed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the findings and recommendations are supported by the record and by proper analysis.

Accordingly,

1. The findings and recommendations issued on January 22, 2024 (Doc. No. 37) are adopted in full;
2. Plaintiff's motion for leave to file the first amended complaint (Doc. No. 31) is granted;
3. This action proceeds on the first amended complaint (Doc. No. 32) filed by plaintiff on December 27, 2023;
4. Plaintiff shall serve the first amended complaint on the four newly added defendants;
5. Defendant TransUnion shall file a responsive pleading to the first amended complaint no later than thirty (30) days from the date of entry of this order;
6. Defendants JP Morgan Chase Bank, N.A.; US Bank, N.A.; Equifax Information Services, LLC; and Experian Information Solutions, Inc.; shall file a responsive pleading within the time provided by the Federal Rules of Civil Procedure;

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Dale A. Drozd  
DALE A. DROZD  
UNITED STATES DISTRICT JUDGE